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**TESLA, INC. DBA TESLA MOTORS, INC.**

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10 DEMETRIC DI-AZ, OWEN DIAZ and LAMAR  
11 PATTERSON, an individual

12 Plaintiff,

13 vs.

14 TESLA, INC. DBA TESLA MOTORS, INC.;  
15 CITISTAFF SOLUTIONS, INC.; WEST VALLEY  
16 STAFFING GROUP; CHARTWELL STAFFING  
17 SERVICES, INC. and DOES 1-10, inclusive,

18 Defendants.

Case No. 3:17-cv-06748

[Removal from Superior Court of California,  
Alameda County Superior Court Case No.  
RG117878854]

**DECLARATION OF BARBARA I.  
ANTONUCCI IN SUPPORT OF  
DEFENDANT TESLA'S NOTICE OF  
REMOVAL OF CIVIL ACTION UNDER 28  
U.S.C. § 1441(a)**

1 I, Barbara I. Antonucci declare as follows:

2 1. I am a Partner with the law firm Constangy, Brooks, Smith & Prophete, LLP,  
3 attorneys of record for Defendant Tesla, Inc. DBA Tesla Motors, Inc. ("Tesla" or "Defendant"). I  
4 am admitted to practice in the State of California and the United States District Court for the  
5 Northern District of California. The following facts are within my personal knowledge and, if called  
6 as a witness, could and would testify competently thereto.

7 2. On October 16, 2017, an action was commenced in the Superior Court of the State of  
8 California in and for the County of Alameda by Plaintiffs Demetric Di-az, Own Diaz and Lamar  
9 Patterson (collectively, "Plaintiffs"), which action is entitled Demetric Di-Az et al. v. Tesla, Inc. dba  
10 Tesla Motors, Inc. et al., Case No. RG17878854 (the "State Court Action"). A true and correct copy  
11 of the Complaint For Damages (the "Complaint") filed in the State Court Action is attached hereto as  
12 Exhibit A.

13 3. In addition to the Complaint, on October 16, 2017, Plaintiffs filed a Civil Case Cover  
14 Sheet (the "Cover Sheet") in the State Court Action. A true and correct copy of the Cover Sheet is  
15 attached hereto as Exhibit B.

16 4. On October 16, 2017, following receipt of the Complaint and Cover Sheet, the  
17 Alameda County Superior Court issued a Summons to Defendants Tesla, Inc. dba. Tesla Motors,  
18 Inc. ("Tesla"), Citistaff Solutions, Inc. ("CitiStaff Solutions"), West Valley Staffing Group ("West  
19 Valley") and Chartwell Staffing Services, Inc. ("Chartwell"). A true and correct copy of the  
20 Summons is attached hereto as Exhibit C.

21 5. On October 17, 2017, the Presiding Judge of the Superior Court of California, County  
22 of Alameda, issued a "Notice of Assignment of Judgment for All Purposes-September 6, 2017" (the  
23 "Notice"). The Notice advised that the State Court Action had been assigned to Judge Dennis  
24 Hayashi for all purposes. A true and correct copy of the Notice is attached hereto as Exhibit D.

25 6. On October 18, 2017, the Court issued a Notice of Case Management Conference and  
26 Order (the "CMC Order") in the State Court Action. A true and correct copy of the CMC Order  
27 issued in the State Court Action is attached hereto as Exhibit E.

1           7.     On October 31, 2017, Plaintiffs filed a Proof of Service of Summons relative to Tesla  
2 (the "Tesla POS"). Pursuant to the Tesla POS, Plaintiffs advised that on October 24, 2017, Plaintiffs  
3 served Tesla with a copy of the Summons, the Complaint, the Civil Case Cover Sheet, the Notice  
4 and the CMC Order. A true and correct copy of the Tesla POS is attached hereto as Exhibit F.

5           8.     On November 13, 2017, Plaintiffs filed a document entitled "Plaintiffs [sic] Jury Fee  
6 Deposit Pursuant to CCP §631(b)" (the "Jury Deposit"). A true and correct copy of the Jury Deposit  
7 is attached hereto as Exhibit G.

8           9.     On November 14, 2017, Plaintiffs filed a Proof of Service of Summons relative to  
9 Chartwell (the "Chartwell POS"). Pursuant to the Chartwell POS, Plaintiffs advised that on  
10 November 13, 2017, Plaintiffs served Chartwell with a copy of the Summons, the Complaint, the  
11 Civil Case Cover Sheet, the Notice and the CMC Order. A true and correct copy of the Chartwell  
12 POS is attached hereto as Exhibit H.

13          10.    On November 14, 2017, Plaintiffs filed a "Proof of Service by First-Class Mail-  
14 Civil" relative to Chartwell (the "Chartwell Mail POS"). A true and correct copy of the Chartwell  
15 Mail POS is attached hereto as Exhibit I.

16          11.    On November 14, 2017, Plaintiffs filed a Proof of Service of Summons relative to  
17 CitiStaff Solutions (the "CitiStaff Solutions POS"). Pursuant to the CitiStaff Solutions POS,  
18 Plaintiffs advised that on November 13, 2017, Plaintiffs served CitiStaff Solutions with a copy of the  
19 Summons, the Complaint, the Civil Case Cover Sheet, the Notice and the CMC Order. A true and  
20 correct copy of the CitiStaff Solutions POS is attached hereto as Exhibit J.

21          12.    On November 13, 2017, Plaintiffs filed a "Proof of Service by First-Class Mail-  
22 Civil" relative to CitiStaff Solutions (the "CitiStaff Solutions Mail POS"). A true and correct copy of  
23 the CitiStaff Solutions Mail POS is attached hereto as Exhibit K.

24          13.    On November 14, 2017, Plaintiffs filed a Proof of Service of Summons relative to  
25 their substituted service upon West Valley (the "West Valley POS"). Pursuant to the West Valley  
26 POS, Plaintiffs advised that on November 13, 2017, Plaintiffs served West Valley with a copy of the  
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1 Summons, the Complaint, the Civil Case Cover Sheet, the CMC Order and the Notice via  
2 Substituted Service. A true and correct copy of the West Valley POS is attached hereto as Exhibit L.

3 14. On November 13, 2017, Plaintiffs filed a "Proof of Service by First-Class Mail-  
4 Civil" relative to West Valley (the "West Valley Mail POS"). A true and correct copy of the West  
5 Valley Mail POS is attached hereto as Exhibit M.

6 15. Tesla filed and served its Answer to the Complaint (the "Answer") on November 22,  
7 2017. A copy of the Answer is attached as Exhibit N.

8 16. CitiStaff filed and served its Answer to the Complaint (the "Answer") on November  
9 22, 2017. A copy of the Answer is attached as Exhibit O.

10 17. To my knowledge, Exhibits A-O described above constitute all of the pleadings,  
11 process, and orders to date in the State Court Action.

12 18. In accordance with 28 U.S.C. § 1446(d), Defendant will, promptly after filing this  
13 Notice of Removal (the "Notice"), give written notice of the filing of the Notice to Plaintiff and the  
14 Clerk of the Alameda County Superior Court.

15 I declare under penalty of perjury under the laws of the United States of America and the  
16 State of California that the foregoing is true and correct to the best of my knowledge and belief and  
17 that this declaration was executed this 22 day of November, 2017 at San Francisco, California.  
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19 /s/ Barbara I. Antonucci

20 Barbara I. Antonucci  
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